

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

JOE ANDREW SALAZAR,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 2:16-cv-01096-JRG-RSP
	§	
HTC CORPORATION and	§	
AT&T, INC.	§	PATENT CASE
	§	
Defendants.	§	JURY DEMANDED

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

In accordance with the Court’s Third Amended Docket Control Order (Doc. #49) entered in this action, Plaintiff Joe Andrew Salazar (“Plaintiff” or “Salazar”) and Defendant HTC Corporation (“Defendant” or “HTC”) hereby submit this Joint Claim Construction and Prehearing Statement pursuant to P.R. 4-3. The patent involved in this case is U.S. Patent No. 5,802,467 (“the ‘467 Patent”), attached hereto as Exhibit A. The patent claims that are asserted in the above-referenced case are at least claims 1-7, 10, 14, 17, 23, 26-32 and 34 of the ‘467 Patent.

**A. P.R. 4-3(a): Agreed Constructions, Points of Agreement and Request For Determination as Part of *Markman* Process.**

Term	Agreed Construction
“control signals”	Plain and ordinary meaning

**B. P.R. 4-3(b): Proposed Constructions of Disputed Terms; Intrinsic and Extrinsic Evidence.**

**Plaintiff’s Proposed Constructions of Disputed Terms:**

Plaintiff’s proposed constructions of each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to Plaintiff on which it intends to rely either to support Plaintiff’s proposed constructions or to oppose Defendant’s proposed constructions, including dictionary definitions and citations to learned treatises are attached as Exhibit B. Plaintiff also provides notice to Defendant that he intends to rely on the expert declarations of Roy Griffith and Oded Gottesman in connection with the claim construction issues in this case. These experts will testify (from the perspective of one with ordinary skill in the art at the time of the invention) in support of Plaintiff’s proposed constructions of the terms/phrases “communication, command, control and sensing system” and “handset and a base station” as set forth in Exhibit A to Plaintiff’s PR 4-2 Disclosure of Preliminary Claim Construction and Identification of Extrinsic Evidence served on July 7, 2017 and as to the ordinary and customary meaning from the perspective of one of ordinary skill in the art at the time of the invention for all other terms/phrases that Defendant has proposed require construction. The declarations of Mr. Griffith and Mr. Gottesman will be provided with Plaintiff’s PR 4-5 Opening Claim Construction Brief.

**Defendant's Proposed Constructions of Disputed Terms:**

HTC's proposed constructions of each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that construction are attached as Exhibit C.

HTC will not rely on expert testimony in support of its claim construction. HTC objects to Mr. Salazar's proposed use of expert declarations by Mr. Griffith and Mr. Gottesman. Mr. Salazar's statements above do not comply with the disclosure requirements of Local Patent Rule 4-3 and expressly violate the Court's Third Amended Docket Control Order, to HTC's prejudice. Among other things, Mr. Salazar has not provided the required summary of the proposed expert's testimony required by Local Patent Rule 4-3(d). HTC also objects to expert testimony because only intrinsic evidence is relevant to claim construction in this case.

All parties reserve the right to rely on any evidence identified by any other party, including any asserted claims and related prosecution history. All parties further reserve the right to rely on evidence not yet available, including documents not yet produced and testimony not yet taken.

**C. P.R. 4-3(c): Anticipated Length of Hearing.**

The claim construction hearing in this action is scheduled to occur on October 17, 2017 at 9:00 a.m. in Marshall, Texas before Judge Roy Payne. The parties anticipate that 3 hours will be required, with each side being allotted 1.5 hours.

**D. P.R. 4-3(d): Witnesses.**

The parties do not expect to call any witnesses at the claim construction hearing.

**E. P.R. 4-3(e): Other Issues for a Prehearing Conference**

None.

Dated: August 1, 2017

Respectfully submitted,

A handwritten signature in blue ink that reads "Andy Tindel w/ permission of Lead Attorney".

DARIUSH KEYHANI, Lead Attorney  
NJ SBN 044062002  
MEREDITH & KEYANI, PLLC  
125 Park Avenue, 25th Floor  
New York, NY 10017  
(212) 760-0098 Telephone  
(212) 380-1325 Direct Line  
(212) 202-3819 Facsimile  
[dkeyhani@meredithkeyhani.com](mailto:dkeyhani@meredithkeyhani.com)

ANDY TINDEL  
Texas State Bar No. 20054500  
MT<sup>2</sup> LAW GROUP  
MANN | TINDEL | THOMPSON  
112 East Line Street, Suite 304  
Tyler, Texas 75702  
Telephone: (903) 596-0900  
Facsimile: (903) 596-0909  
Email: [atindel@andytindel.com](mailto:atindel@andytindel.com)

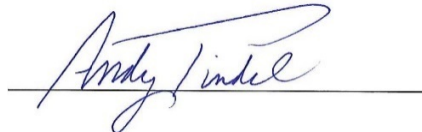
*Attorneys for Plaintiff Joe Andrew Salazar*

/s/ Trampas A. Kurth w/permission  
Jerry R. Selinger  
State Bar No. 18008250  
Email: [jselinger@pattersonsheridan.com](mailto:jselinger@pattersonsheridan.com)  
Trampas A. Kurth  
State Bar No. 24055807  
Email: [tkurth@pattersonsheridan.com](mailto:tkurth@pattersonsheridan.com)  
PATTERSON + SHERIDAN, LLP  
1700 Pacific Avenue, Suite 2650  
Dallas, Texas 75201  
Telephone: (214) 272-0957  
Facsimile: (214) 623-4846

*Attorneys for Defendant HTC Corporation*

**CERTIFICATE OF SERVICE**

This is to certify that all known counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per E. Dist. Tex. Loc. Ct. R. CV-5(a)(3) on this the 1st day of August, 2017. Any other known counsel of record will be served with a copy of this document by email and/or facsimile transmission

A handwritten signature in blue ink, reading "Andy Tindel", is written over a horizontal line.

Andy Tindel